STATUTORY INSTRUMENTS

# 1965 No. 1030

# SUGAR

## The Composite Sugar Products (Surcharge—Average Rates) (No. 5) Order 1965

| | |
|---|---|
| *Made* - - - - | *26th April* 1965 |
| *Laid before Parliament* | *27th April* 1965 |
| *Coming into Operation* | *28th April* 1965 |

Whereas the Minister of Agriculture, Fisheries and Food (hereinafter called " the Minister ") has on the recommendation of the Commissioners of Customs and Excise (hereinafter called " the Commissioners ") made an order(a) pursuant to the powers conferred upon him by section 9(1) of the Sugar Act 1956(b), having effect subject to the provisions of section 3 of, and Part II of Schedule 5 to, the Finance Act 1962(c), providing that in the case of certain descriptions of composite sugar products surcharge shall be calculated on the basis of an average quantity of sugar taken to have been used in the manufacture of the products and that certain other descriptions shall be treated as not containing any sugar or invert sugar :

Now, therefore, the Minister, on the recommendation of the Commissioners and in exercise of the powers conferred upon him by sections 9(1) and 33(4) of the Sugar Act 1956, having effect as aforesaid, and of all other powers enabling him in that behalf, hereby makes the following order :—

**1.**—(1) This order may be cited as the Composite Sugar Products (Surcharge—Average Rates) (No. 5) Order 1965 ; and shall come into operation on 28th April 1965.

(2) The Interpretation Act 1889(d) shall apply for the interpretation of this order as it applies for the interpretation of an Act of Parliament.

**2.** Surcharge payable on or after 28th April 1965 under and in accordance with the Sugar Act 1956, having effect as aforesaid, in respect of sugar and invert sugar used in the manufacture of the descriptions of imported composite sugar products specified in column 2 of Schedule 1 to this order shall, notwithstanding the provisions of the Sugar (Rates of Surcharge and Surcharge Repayments) (No. 5) Order 1965(e) and the Composite Sugar Products (Surcharge—Average Rates) (No. 4) Order 1965(a), be calculated by reference to the weight or value, as the case may be, of the products at the rates specified in relation thereto in column 3 of the said Schedule.

**3.** Imported composite sugar products other than those of a description specified in Schedules 1 and 2 to this order shall be treated as not containing any sugar or invert sugar for the purposes of surcharge payable on or after 28th April 1965.

(a) S.I. 1965/480 (1965 I, p. 1225). (b) 4 & 5 Eliz. 2. c. 48.
(c) 10 & 11 Eliz. 2. c. 44. (d) 52 & 53 Vict. c. 63.
(e) S.I. 1965/1029.(1965 I, p. 2515).

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 26th April 1965.

(L.S.) *J. G. Carnochan,*
Authorised by the Minister.

## SCHEDULE 1

In this Schedule :—

" Tariff heading " means a heading or, where the context so requires, a subheading of the Customs Tariff 1959 (see paragraph (1) of Article 1 of the Import Duties (General) (No. 10) Order 1964(a)).

" Per cent." means, where it occurs in relation to any rate of surcharge, per cent. of the value for customs duty purposes of the product to which it relates.

| Tariff heading | Description of Imported Composite Sugar Products | Rate of Surcharge |
|---|---|---|
| | | per cwt. s. d. |
| 04.02 .. .. | Milk and cream, preserved, concentrated or sweetened :— | |
| | containing not more than 10 per cent. by weight of added sweetening matter .. .. .. | 3 6 |
| | containing more than 10 per cent. but not more than 50 per cent. by weight of added sweetening matter .. .. .. .. .. | 15 6 |
| 17.02 (B) and 17.05 (B) | Syrups containing sucrose sugar, whether or not flavoured or coloured, but not including fruit juices containing added sugar in any proportion :— | |
| | containing 70 per cent. or more by weight of sweetening matter .. .. .. .. | 22 3 |
| | containing less than 70 per cent., and more than 50 per cent., by weight of sweetening matter .. | 16 0 |
| | containing not more than 50 per cent. by weight of sweetening matter .. .. .. .. | 7 9 |
| 17.02 (F) .. | Caramel :— | |
| | Solid .. .. .. .. .. .. .. | 35 0 |
| | Liquid .. .. .. .. .. .. .. | 24 6 |
| 17.04 .. .. | Sugar confectionery, not containing cocoa .. .. | 28 6 |
| 18.06 (C) .. | Chocolate and other food preparations containing cocoa (but not being chocolate milk crumb, chocolate couverture not prepared for retail sale, or sweetened cocoa powder) .. .. .. .. | 20 3 |
| | | per cent. |
| 19.08 .. .. | Pastry, biscuits, cakes and other fine bakers' wares containing added sweetening matter :— | |
| | Biscuits .. .. .. .. .. .. | 7½ |
| | Other .. .. .. .. .. .. | 4½ |

(a) S.I. 1964/1986 (1964 III, p. 4509).

| Tariff heading | Description of Imported Composite Sugar Products | Rate of Surcharge |
|---|---|---|
| | | per cent. |
| 20.01 .. .. | Vegetables and fruit, prepared or preserved by vinegar or acetic acid, containing added sweetening matter .. .. .. .. .. .. | 10½ |
| 20.03 .. .. | Fruit preserved by freezing, containing added sugar | 3¾ |
| | | per cwt. s. d. |
| 20.04 .. .. | Fruit, fruit-peel and parts of plants, preserved by sugar (drained, glacé or crystallised) .. .. | 23 0 |
| 20.05 .. .. | Jams, fruit jellies, marmalades, fruit purée and fruit pastes, being cooked preparations, containing added sweetening matter .. .. .. .. | 22 0 |
| | | per cent. |
| 20.06 (A) and (B) .. .. | Fruit otherwise prepared or preserved, containing added sweetening matter :— | |
| | Ginger .. .. .. .. .. .. | 15 |
| | Other .. .. .. .. .. .. | 3¾ |
| 20.07 .. .. | Fruit juices (including grape must) and vegetable juices, unfermented and not containing spirit :— | |
| | containing not more than 20 per cent. by weight of added sweetening matter .. .. .. | 1½ |
| | containing more than 20 per cent. by weight of added sweetening matter .. .. .. | 18 |
| 21.07 .. .. | Food preparations not elsewhere specified or included :— | |
| | Table jelly crystals, powders or squares .. | 18 |
| | | per cwt. s. d. |
| | Sweetfat (mixtures of edible fats and sugar) .. | 22 6 |

## SCHEDULE 2

| Tariff heading | Description of Imported Composite Sugar Products |
|---|---|
| 04.02 .. .. | Milk and cream, preserved, concentrated or sweetened, containing more than 50 per cent. by weight of added sweetening matter. |
| 17.05 (A) and (B) | Sugar and invert sugar, flavoured or coloured. |
| 18.06 (A) .. | Chocolate milk crumb. |
| 18.06 (B) .. | Cocoa powder, sweetened. |
| 18.06 (C) .. | Chocolate couverture not prepared for retail sale. |

## EXPLANATORY NOTE

*(This Note is not part of the order.)*

This order provides for reductions in the average rates of surcharge payable on imported composite sugar products of the descriptions specified in Schedule 1 on and after 28th April 1965. These correspond to the reductions in surcharge rates effected by the Sugar (Rates of Surcharge and Surcharge Repayments) (No. 5) Order 1965 (S.I. 1965/1029). Provision is also made for certain imported composite sugar products to be treated as not containing any sugar or invert sugar.